

ESTTA Tracking number: **ESTTA643628**

Filing date: **12/10/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Anchor Brewing Company, LLC
Granted to Date of previous extension	12/27/2014
Address	1705 Mariposa Street San Francisco, CA 94107 UNITED STATES
Correspondence information	James Wesley Kinnear 220 Montgomery Street Suite 695 San Francisco, CA 94104 UNITED STATES jwk@kinnearlaw.com Phone:4153286302

### Applicant Information

Application No	86304738	Publication date	10/28/2014
Opposition Filing Date	12/10/2014	Opposition Period Ends	12/27/2014
Applicant	California Chevron Corp. 135 S. Rosemead Blvd. Pasadena, CA 91107 UNITED STATES		

### Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Beer, ale, lager, stout and porter; Beers; Brewed malt-based alcoholic beverage in the nature of a beer; Malt beer; Malt liquor; Pale beer; Porter
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1328838	Application Date	10/14/1983
Registration Date	04/02/1985	Foreign Priority Date	NONE
Word Mark	LIBERTY ALE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 032. First use: First Use: 1983/07/22 First Use In Commerce: 1983/08/08 Ale

Attachments	ABC Notice of Opposition to Chevron Liberty Mark.pdf(27719 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/James Wesley Kinnear/
Name	Anchor Brewing Company, LLC
Date	12/10/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Anchor Brewing Company LLC		
Entity	California Limited liability Company	Citizenship	UNITED STATES
Address	1705 Mariposa Street San Francisco, CA 94107		

Attorney Information	James Wesley Kinnear KINNEAR LAW FIRM PC 220 Montgomery Street, Suite 695 San Francisco, CA 94104 jwk@kinnearlaw.com 415.328.6302 Fax: 415.223.8281
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**Applicant Information**

Application No.	86304738	Publication Date	October 28, 2014
Opposition Filing Date	December 10, 2014	Opposition Period Ends	December 27, 2014
Applicant	California Chevron Corp. 135 S. Rosemead Blvd. Pasadena, CA 91107 UNITED STATES		

**Goods/Services Affected by the Opposition**

Int. Class 32. Intent to use application.

All goods and services in the class are opposed, namely: Beer, Ale, Stout, Porter; Beers; Brewed Malt-Based Alcoholic Beverages In The Nature Of A Beer; Malt Beer; Malt Liquor; Pale Beer; Porter

**Grounds for Opposition**

Priority and likelihood of confusion	Lanham Act § 2(d); 15 U.S.C. § 1052(d); Lanham Act § 43(a); 15 U.S.C. § 1125(a).
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### **Marks Cited by Opposer as Basis for Opposition**

Mark	Registration No.	Description of Goods/Services
LIBERTY ALE	1328838	Ale

### **Certificate of Service**

The undersigned hereby certified that a copy of this paper has been served upon all parties, at their address of record by First Class Mail on this date.

Signature: /s/\_\_\_\_\_

Name: James Wesley Kinnear

Date: December 10, 2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANCHOR BREWING COMPANY, LLC,  Opposer,  v.  SHANA J. BLACK  Applicant.	Opposition No.: _____  Application Serial No. 86304738  Mark: GIVE ME LIBERTY AND GIVE ME FRESH  Published for Opposition: October 28, 2014  Atty. Ref. No.:
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Opposer ANCHOR BREWING COMPANY, LLC (“ANCHOR”), a California limited liability company, with a mailing address of 1705 Mariposa Street, San Francisco, CA 94107, believes that it will be damaged by the registration on the Principal Register of GIVE ME LIBERTY AND GIVE ME FRESH, in connection with “Beer, Ale, Stout, Porter; Beers; Brewed Malt-Based Alcoholic Beverages In The Nature Of A Beer; Malt Beer; Malt Liquor; Pale Beer; Porter” in International Class 032. The mark GIVE ME LIBERTY AND GIVE ME FRESH is the subject of federal trademark application Serial No. 86304738, allegedly owned by California Chevron Corp. (“Applicant”), and ANCHOR hereby opposes registration thereof. Applicant seeks to register a Mark, GIVE ME LIBERTY AND GIVE ME FRESH, which is substantially identical to LIBERTY ALE (Registration No. 1328838), and LIBERTY, the long-established trademarks of ANCHOR and its predecessors in interest (collectively, “ANCHOR”) for goods in Class 32, including ale.

As grounds for this Opposition, it is alleged that:

1. ANCHOR has used the federally registered trademark LIBERTY ALE in commerce since no later than 1983. The registration of LIBERTY ALE is subsisting,

uncancelled, unrevoked and uncontestable. ANCHOR has used the common law trademark LIBERTY in commerce in connection with beer no later than 1983. The marks LIBERTY ALE and LIBERTY are referred to collectively as the “LIBERTY MARKS.”

2. ANCHOR is the owner of the business and goodwill connected with the LIBERTY MARKS. ANCHOR has used the LIBERTY MARKS in connection with beer in commerce beginning no later than 1983 and continuing to date.

3. ANCHOR has extensively and continually advertised and promoted its products with the LIBERTY MARKS mark. Moreover, ANCHOR has invested substantial time, energy and resources to develop the LIBERTY MARKS and to ensure that the general public associates the trademarks exclusively with ANCHOR and its LIBERTY ALE quality products. The LIBERTY MARKS are inherently arbitrary, fanciful, distinctive or suggestive, or has otherwise acquired secondary meaning in the relevant channels of trade to refer solely to ANCHOR. The LIBERTY MARKS have been distinctive from the date of their first use or the first registration filing of LIBERTY ALE in the United States Patent and Trademark Office in 1983.

4. On information and belief, Applicant’s principal place of business is located at 135 S. Rosemead Blvd., Pasadena, CA 91107

5. On information and belief, Applicant is the owner of record of trademark application Serial No. 86304738 for the registration of the mark GIVE ME LIBERTY AND GIVE ME FRESH (“Applicant’s Mark”) for use in connection with “Beer, Ale, Stout, Porter; Beers; Brewed Malt-Based Alcoholic Beverages In The Nature Of A Beer; Malt Beer; Malt Liquor; Pale Beer; Porter” (“Applicant’s Goods”).

6. Since long prior to June 9, 2014, the filing date of Applicant’s intent to use application, ANCHOR has widely advertised and promoted the LIBERTY MARKS in connection with its goods with the result that the LIBERTY MARKS mark has become well-known. Because of these efforts, and by virtue of the excellence and success of the goods offered and provided by ANCHOR under the LIBERTY MARKS, ANCHOR has built up a

valuable reputation and tremendous goodwill in its LIBERTY MARKS belonging exclusively to ANCHOR.

7. Applicant's Mark so resembles the LIBERTY MARKS as to be likely, when used in connection with Applicant's Goods, to cause confusion, or mistake, or deception. Applicant's Mark, therefore, creates a confusingly similar commercial impression. Thus consumers likely believe that Applicant's use of Applicant's Mark in connection with Applicant's Goods is in some way associated or connected with or sponsored, authorized, or warranted by ANCHOR. Any objection or fault with Applicant's Goods and Services offered in connection with Applicant's Mark would reflect upon and seriously injure ANCHOR's reputation in connection with the goods offered under the LIBERTY MARKS.

8. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use of the mark GIVE ME LIBERTY AND GIVE ME FRESH in connection with the goods identified in application Serial No. 86304738. Such registration would be a source of damage and injury to ANCHOR.

WHEREFORE, in accordance with Section 13 of the Lanham Act (15 U.S.C. § 1063), ANCHOR prays that this Opposition be sustained and that application Serial No. 86304738 be refused.

Respectfully submitted,

Dated: December 10, 2014

/s/ \_\_\_\_\_

James Wesley Kinnear  
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